


ORDERED.

Dated: October 26, 2018


Catherine Peek McEwen
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In Re:

LOIS MAE WRIGHT

CASE NO.: 8:18-bk-6760-CPM

CHAPTER 7

Debtor,

**ORDER GRANTING MOTION TO VACATE ORDER
APPROVING TRUSTEE'S APPLICATION TO RETAIN BK GLOBAL
REAL ESTATE SERVICES AND WEICHERT REALTORS – EQUITY TO
PROCURE CONSENTED PUBLIC SALE PURSUANT TO 11 U.S.C. §§327, 328 AND 330**

This cause came before the Court for hearing on October 18, 2018 upon Debtor's Motion to Vacate the Court's Order on Trustee's Application to Retain Real Estate Services (D.E. 27). Present before the Court were Debtor, Lois Mae Wright, and her attorney, Frank T. Papa, and Carolyn Chaney, Chapter 7 Panel Trustee. The Court having reviewed the Order Approving Trustee's Application to Retain BK Global Real Estate Service and Weichert Realtors – Equity to Procure Consented Public Sale Pursuant to 11 U.S.C. §§327, 328 and 330 (D.E. 24), the

subject Motion, the court file and hearing argument of counsel, has determined that it is appropriate to enter an order granting the motion and reserving ruling as to the trustee's claim to Quantum Meruit Compensation. Accordingly, it is

ORDERED:

1. The Motion is GRANTED in that the Order Approving Trustee's Application to Retain BK Global Real Estate Service and Weichert Realtors – Equity to Procure Consented Public Sale Pursuant to 11 U.S.C. §§327, 328 and 330 is hereby VACATED. The property is to be sold and Debtor has the full right and authority to hire a realtor of her choosing to sell the property.
2. Within seven (7) days of hearing on this matter, Debtor has the option at her discretion to amend her schedules to rephrase the wording of her claimed homestead exemption without prejudice to the Estate's rights.
3. Trustee may file an Application for Quantum Meruit Compensation for her time and costs incurred attempting to sell the property on behalf of the Estate.
4. The Court shall reserve ruling on the Trustee's claim to Quantum Meruit Compensation. Accordingly, within thirty (30) days of this hearing, the parties shall provide the Court with a list of controlling authorities to support their respective positions. The Court seeks cases that address whether a trustee may rely on a homestead exemption stated in a monetary value and choose not to object to the stated claim of exemption when the statutory language of the homestead exemption only limits the exemption by size and not by monetary value.

5. Upon the sale of the home, payment of the mortgage and all closing costs, the net proceeds shall be held in escrow until the Court has ruled on any application the trustee might file for Quantum Meruit Compensation.

Attorney Robert M. Geller is directed to serve a copy of this Order on interested parties and file a proof of service within 3 days of entry of the Order.